

From: AMO Communications <communicate@amo.on.ca>
Sent: Tuesday, May 16, 2017 4:20 PM
To: Lisa Slomke
Subject: AMO Policy Update - Ontario Announces New Proposed Changes to the Land Use Planning and Appeal System
Attachments: attachment - OMB Proposed Hearing Process 2017-05-16.docx

May 16, 2017

Ontario Announces New Proposed Changes to the Land Use Planning and Appeal System

Ontario has announced it will introduce new legislation that would, if passed, overhaul the Province's land use planning appeals system, giving communities a stronger voice and ensuring people have access to faster, fairer and more affordable hearings.

Legislation will be tabled before the current legislative session ends on June 1, 2017, with implementation targeted for 2018. If the legislation were passed, regulations would be developed to guide the transition and implementation.

The government listened very carefully to the advice of the AMO Board and members, and worked through the MOU process to develop these changes.

The legislation will introduce positive changes in the following subject areas:

Giving Communities a Stronger Voice

- A new Local Planning Appeal Tribunal would replace the Ontario Municipal Board.
- "De novo" hearings would be eliminated for the majority of land use planning appeals, giving greater weight to the decisions of local communities.
- For complex land use planning appeals, the tribunal would only be able to overturn a municipal decision if it does not follow provincial policies or municipal plans. This would depart from the current "standard of review" for land use planning appeals, where the Ontario Municipal Board is permitted to overturn a municipal decision whenever it finds that the municipality did not reach the "best" planning decision.
- In these cases, the tribunal would be required to return the matter to the municipality with written reasons and the municipality would be provided with 90 days to make a new decision on an application under the proposed new law. The tribunal would retain the authority to make a final decision on these matters only

when, on a second appeal, the municipality's subsequent decision still fails to follow provincial policies or municipal plans.

Faster, Fairer and More Affordable Planning Appeals

- Requiring the tribunal to conduct mandatory case management for the majority of cases in order to narrow the issues and encourage case settlement. The tribunal would also be provided with modern case management powers to ensure meaningful case conferences.
- Creating statutory rules regarding the conduct of hearings, including setting strict presumptive timelines for oral hearings and limiting evidence to written materials in the majority of cases.
- Providing the tribunal with modern hearing powers to promote active adjudication, provide for alternative hearing formats, and permit assignment of multi-member panels.
- Giving elected officials greater control over local planning, resulting in fewer decisions being appealed, thereby making the decision-making process more efficient.

Free Legal and Planning Support

- Create a Local Planning Appeal Support Centre, a new provincial agency mandated and funded to provide free and independent advice and representation to Ontarians on land use planning appeals. The centre would be modeled after the Human Rights Legal Support Centre and would provide planning and legal advice to people who want to participate in tribunal appeals.

Exempting Major Planning Decisions from Appeal

Major municipal land use planning decisions would not be appealable:

- provincial appeals of municipal official plans and official plan updates, including approvals of conformity exercises to provincial plans.
- among other matters, would also restrict applications to amend new secondary (i.e. neighbourhood) plans for two years, unless permitted by municipal council
- Municipal Local Appeal Bodies, if established, would be able to hear appeals on site plans, in addition to minor variances and consents
- Minister's Zoning Orders.

AMO will continue to monitor this issue as the legislation is introduced in the coming weeks.

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